

**Opening Statement of Chairman Bart Stupak  
Oversight & Investigations Subcommittee  
"Continuing Security Concerns at Los Alamos National Laboratory"  
January 30, 2007**

Los Alamos National Laboratory is a place of great history. It is home to many of our nation's most secretive weapons development and yet it is also home to some embarrassingly lax security protocols.

During my 12 years on the Oversight and Investigations Subcommittee I have sat through far too many hearings detailing problem after problem at Los Alamos. Now, as I take over as Chairman of this distinguished Subcommittee, I find myself presiding over yet another hearing about inadequate security at the lab.

The latest security debacle begins in October of 2006, when Los Alamos County Police responded to a call at a private residence and discovered several hundred pages of classified and unclassified material as well as electronic files that were stolen from the Los Alamos National Lab. The documents were taken from the Lab by a sub contract employee. The employee simply walked out of the Lab with stolen documents in her purse and on a "thumb drive" which she easily inserted into open ports on the classified computers.

Over the last 8 years, this subcommittee has held 11 hearings into various security lapses at Los Alamos. I have this chart which I will enter into the official record illustrating the 11 hearings that this committee has held. These hearings have ranged from the Wen Ho Lee case in 1999 to the removal of Classified Electronic Removable Media (CREM) in 2005 and the Cyber Security hearings we held in June of 2006. Through out these hearings, Members have heard time and again how the Department of Energy and the Lab managers were going to improve security. We've heard excuse after excuse and plan after plan of how the Lab would improve security. The DOE even went so far as to competitively bid the Lab's operation contract out in hopes that a new management team would bring about change, security and accountability. But DOE awarded the contract to a consortium that includes the previous contractor, the University of California. With this "brilliant" decision, did anyone really expect the laissez faire culture at Los Alamos to change?

As a result of our investigation, I have a number of questions that need to be answered today:

- How and why did the recent October security breach occur?
- What is the potential and actual harm to national security, as a result of the breach?
- Why do security breaches continue to plague Los Alamos?
- What plans do Los Alamos, DOE, and the National Nuclear Security Administration have for preventing breaches at Los Alamos?
- Who is accountable for this most recent security breach at Los Alamos?

- What tools are available to the federal government to hold Los Alamos accountable for the latest security breach? For example, new accountability rules allow DOE to penalize contractors and their subcontractors for violations of DOE rules, regulations and orders regarding the safeguarding of restricted Data and other classified information. Based upon our staff's investigation, my real concern here is whether DOE is using those tools or is it just giving contractors a slap on the wrist for egregious security violations?
- Are the tools available for the federal government to adequately deter security breaches?
- This incident does raise serious questions about the manner and policies of the Department of Energy in the granting of security clearances to employees? This question, as well as many others, will of course have to be answered in closed session due to their sensitivity.

During our last hearing in 2006 I became so fed up that I asked the question, "What do we do at Los Alamos, that couldn't be done at our other National Laboratories?" I was serious when I asked that question and I must tell you, I've been asking myself the question again in recent months.

I'm a former police officer and in Michigan we like to use auto analogies. For far too long we have essentially been issuing parking tickets to the Lab. In July of 2004 we essentially put a boot on the Lab when it was shut down for seven months to clean up its act. This cost the American taxpayers more than \$350 million dollars and was supposed to result in a more secure facility. Unfortunately, there has been yet another breach not long after the Lab reopened.

The Lab did not change after repeated tickets, it did not change after putting a boot on, and now I'm convinced that we may need to just tow the car!

Something drastic must be done at Los Alamos in order to change the systemic security problems. The American people demand and deserve the highest level of protection of our national secrets. If the Department and Lab management won't provide security at our labs, Congress must explore ways to protect our security.

Therefore, I will – in cooperation with my friends on the Minority side - be asking GAO to perform a comprehensive audit of all services performed at Los Alamos. I will ask them to evaluate whether the footprint and mission at the Lab is too large. I will also ask them to evaluate the possibility of consolidating and moving many of the classified operations at Los Alamos to another Lab, such as Sandia, where there is a willingness among the employees and management to heed our advice. I will not tolerate continued security lapses and a thumbing of their noses at Congress.

Finally, it is my understanding that Secretary Bodman has asked for additional reviews of Los Alamos's security and that the reports of the reviews are due at the end of February. It is our expectation that the Department will take these reviews seriously, provide concrete answers and submit detailed plans to remedy the security lapses. I fully expect

Secretary Bodman will appear before this Subcommittee to articulate what has and will be done to improve security concerns at Los Alamos.

In conclusion, I am pleased that the first hearing of the Oversight & Investigations Subcommittee is a truly bipartisan effort by myself, the ranking member and our staffs. This is what I hope will be the first of many bipartisan efforts to make our country safer and our government more effective. Thoughtful and tough oversight is neither Republican nor Democratic. It is just good government. I salute the former Chairman and his able staff for all their work in this inquiry and look forward to continuing to work together.

The Constitution entrusted Congress with the solemn duty to oversee the activities of the Executive branch. Oversight is the only way that Congress can assure that our laws are adequately and properly administered. Without effective oversight, how can Members of Congress truly determine, with confidence, what additional laws are needed. As Chairman of this Subcommittee, I plan to be persistent in our oversight responsibilities, fully realizing that Congress' power to probe is a necessary tool of our Democracy that is best wielded in a non-partisan manner. Again, I want to thank our former Chairman, the gentleman from Kentucky, and I look forward to working with all of the members and the staff of the Oversight and Investigations Subcommittee.